

D.B. CIVIL SPECIAL APPEAL NO.190/2006
(Om Prakash Sharma V/s O.P. Saini and ors.)

10.3.2006

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE R.P.VYAS

Mr.B.K. Vyas, for the appellant.

...

Heard the learned counsel for the appellant.

In the writ petition filed by the appellant against
cancelling order of transfer, ad interim order was passed
on 6.2.2006:

"Meanwhile, operation of the order dated 10.1.2006
cancelling the transfer of the petitioner shall remain stayed
....."

Thereafter the petitioner moved contempt petition
alleging that operation of the order dtd.10.1.2006 has not
been given effect to by the respondents and therefore,
the contempt proceedings be initiated.

The learned Single Judge finding from the material on

record that the petitioner already stood relieved before passing of the ad interim order and this fact has not been noticed by him. Therefore, looking to the fact that the order has already been operated before issuance of the interim order, he did not consider it fit to initiate the contempt proceedings. He further observed that since the appellant has already preferred an appeal before the Rajasthan Civil Services Appellate Tribunal against the very same order and the the Tribunal will consider the request of the petitioner for interim relief dispassionately and therefore, no order needs to be passed in this contempt petition.

We are the opinion that no interference is called for in the aforesaid order passed by the learned Single Judge in not initiating the contempt proceedings.

Accordingly this appeal fails and is hereby dismissed.
No order as to costs.

(R.P.VYAS)J

(RAJESH BALIA)J.

SS/-